

Serial No.: 09/700,066

Amendment Dated: July 6, 2004

Reply To Office Action: February 6, 2004

REMARKS

The present invention, as addressed by claims 5-7 is now the subject of a new grounds of rejection with the first grounds of rejection in the previous Office Action of May 7, 2003 being removed in favor of the new rejection.

Claim 5 is now rejected under 35 U.S.C. 103 as unpatentable over Saito et al. U.S. Patent No. 4,673,921 (the same reference used in the first rejection on May 7, 2003) in view of Toal, Jr. U.S. Patent No. 4,797,671 and Knipers U.S. Patent No. 4,742,356 (newly cited references).

According to the rejection of claim 5 the reference to Saito et al. is silent on teaching a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle but the reference to Toal, Jr. has been cited for teaching a vehicle location system in which the transponder (transmitter) transmits directional signals. However, as indicated in the Office Action, Toal, Jr. is also silent concerning a plurality of three-dimensional antennas.

The conclusion of the Examiner is that all of these references could be combined to meet the limitations of independent claim 5.

Applicants respectfully traverse this rejection on the grounds that the secondary references to Toal, Jr. and Knipers add nothing which can be combined with the reference to Saito et al. to provide the claimed invention and, in any even, such combination would not be obvious to one of ordinary skill in the art.

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The reference to Saito et al. has been discussed previously in the October 15, 2003 Amendment. In addition to having no teaching concerning the use of a plurality of antennas or three-dimensional characteristics, Saito et al. also does not provide that the system operates "regardless of the orientation of the transponder".

The reference to Toal, Jr. concerns a motor vehicle locator system in which the vehicle itself emits a distinctive audible and/or visional attention getting signal such as produced by a horn or the headlights. As such, it does not meet the claim limitation of independent claim 5, with respect to a transponder which both receives and displays the information concerning the direction and location of the vehicle. In a first instance, Toal, Jr. does not disclose a transponder. It is only a transmitter and the antenna does not recognize a signal from the vehicle. Thus, there is no feature which would be added to Saito et al. to meet the claim limitation of independent claim 5 with regard to aiding in the display of information concerning the direction and location of the vehicle, regardless of the orientation of the transponder.

The reference to Kuipers U.S. Patent No. 4,742,356 is a system for detecting remote object orientation and position which uses a transmitter (source) 10 and a receiver remotely located (sensor 30). Therefore this reference also fails to disclose a transponder and certainly cannot determine the location of a vehicle or other object regardless of the orientation of the transponder because it is not a transponder. Thus, there is no teaching which one of ordinary skill in the art could employ to be

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combined with the primary reference to Saito et al. or the secondary reference to Toal, Jr.

In summation, the references, even if for purposes of arguments they could be combined in a manner indicated by the Examiner, do not provide a teaching whereby a vehicle can be located regardless of the position of the transponder. None of the secondary references are concerned with a transponder. Applicants invention requires a transponder for locating a vehicle. It also requires that this transponder be able to find the direction to the vehicle regardless of the orientation of the transponder. There is no disclosure in any of these references which could be combined to yield the present invention and additionally there is no teaching whereby one of ordinary skill in the art would combine the references in any manner.

Claims 6 and 7 have been rejected under 35 U.S.C. 103 as unpatentable over the above references and further in view of Culpepper et al. (previously cited). The reference to Culpepper et al., as indicated in the October 15, 2003 Amendment, adds nothing toward meeting the claim limitations of independent claim 5 from which claims 6 and 7 depend and contain all of the limitations thereof.

Therefore in view of the distinguishing features between the claimed invention and the references, Applicants respectfully request that this application containing claims 5-7 be allowed and be passed to issue.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 080437.49329US).

Respectfully submitted,

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